

Appln No. 10/733,824

Am dt date December 7, 2004

Reply to Office action of October 27, 2004

REMARKS/ARGUMENTS

Claims 1-3, 5-7, 11, 12, 14 and 21-25 are pending, with claims 4, 8-10 and 15-18 being previously withdrawn, claims 19 and 20 being previously deleted, and claim 13 being currently deleted. Claims 21-25 are new, with claims 21 and 25 being new independent claims, and claims 22, 23 and 24 including scopes similar to claims 3, 5 and 11, respectively, but being dependent on claim 22. No new matter is added by these amendments and additions.

The Examiner at Item 1 of the office action states that claim 13 should not be included in a listing of traversed claims. Applicant accordingly deletes claims 13 herein.

The Examiner at Items 3 & 4 rejects claim 5 under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 5 is amended herein to overcome the lack of clarity rejection.

The Examiner rejects at Item 5 claims 1, 3, 5-7, 11 and 12 under 35 U.S.C. 102(b) as being anticipated by Platek. The Examiner states that Platek shows a gripper comprising a support structure (2,4,6), a cinch strap (34), a pivot arm (12), and a spring (18). The Examiner states that with regard to claim 12, the support structure can be mounted on a wall-mounted nail by hooking end (32) over the nail.

Applicant has carefully studied the Platek reference and believes that as revised, claim 1, and claims 3, 5-7, 11 and 12 dependent thereon patentable distinguishes thereover. The operation of the Platek device is described as follows:

Appln No. 10/733,824

Amdt date December 7, 2004

Reply to Office action of October 27, 2004

Amendments to the Drawings:

The attached sheets of drawings includes changes to 7, 19 and 23. These sheet, which include FIGS. 7, 19 and 23, replaces the original sheets including FIGS. 7, 19 and 23.

Attachment: Replacement Sheets

 Annotated Sheets Showing Changes

Appln No. 10/733,824

Am dt date December 7, 2004

Reply to Office action of October 27, 2004

"In using the invention, the loop formed by strap 34 secured about pin 38 and threaded through apertures 42, 44, 46 and 48 as heretofore described is adjusted, depending upon the size of the jar cap to be rotated, by pulling free strap end 34B through the base and handle apertures in one direction or the other forming a tight loop against handle apertures 44 and 46. The jar cap, which may be of the screw type, is thus gripped by serrations 6 of arcuate member 4 and friction surface 36 of strap 34. Handle 12 is initially biased by spring 18 away from base 2 as heretofore noted. Operation of handle 12 as by squeezing against spring 18 in the direction of the arrow (FIGS. 1 and 5) renders strap 34 taut around cap 50, with the taut strap and serrations 6 cooperating to grip jar cap 50. An operator exerted torquing or twisting action has the effect of rotating the cap. Rotation in one direction loosens the cap while rotation in the opposite direction tightens the cap as may be desired." [Col. 3, lines 7-26.]

It is thus clear that the user must use one hand to grip the handle 12 and another hand to turn the jar relative to the cap.

This is in sharp contrast to the object gripping device of claim 1, wherein "when an object to be gripped is brought to bear against the cinch strap, the pivot arm will pivot towards the fixed wall and the cinch strap will at least partially make contact with the fixed wall to cause the cinch strap to at least partially surround and grip onto the object to be gripped."

Appln No. 10/733,824

Amdt date December 7, 2004

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Applicant's claimed invention permits one hand operation (for one-handed users), which is impossible with Platek device. Moreover, Applicant's claimed device permits a user to use both hands to hold and turn an object to be gripped (e.g., a jar's lid), so that much more torque can be exerted than with a single hand. Thus, Applicant's claimed device can be used by people with one hand and/or with diminished grip strength. Based on the foregoing, Applicant respectfully submits that claims 1, 3, 5-7, 11 and 12 traverse the rejection under 35 U.S.C. 102(b) as being anticipated by Platek. Moreover, Applicant respectfully submits that due to the very different method of operation and design, the Platek reference would also not render the claimed invention obvious to one having ordinary skill in the art.

At Item 5, the Examiner rejects claims 1, 2, 6, 7, 11 and 14 under 35 U.S.C. 102(b) as being anticipated by McKee. The Examiner correctly states that McKee shows a gripping tool comprising a support structure (A) having an object contact surface (H), a cinch strap (C), a pivot arm (G), and a cover plate (D). The Examiner further states that the fixed support head has a head (B) that flares outwardly to form opposing ridges that engage strap (C) and would inherently prevent relative slippage of the strap at least to some extent.

Applicant has carefully analyzed the McKee reference and believes that as revised, claim 1, and claims 2, 6, 7, 11 and 14 dependent thereon patentable distinguishes thereover. As with the Platek reference, the McKee device requires a user to operate the hand lever G in order to tighten the strap C around the object being gripped. Again, with Applicant's claimed

Appln No. 10/733,824

Amdt date December 7, 2004

Reply to Office action of October 27, 2004

invention, the action of bringing the object into contact with the cinch strap will cause the pivot arm to pivot and bring the cinch strap into contact with the fixed wall and tighten around the object and one or two hands can be used to turn the object thus gripped. Although a user could conceivably use the device of McKee by first tightening and securing the strap around a jar lid by inserting a free end of the strap through the cam lock E and then operating the handle G to lock the strap around a lid, this requires additional steps. Moreover, this action may result in too much force being applied to the lid, with the possible result that a bottle can become broken. In contrast, with Applicant's claimed invention, the more powerfully the object is turned, the tighter the cinch strap on the lid will become. Due to the position of the pivot arm relative to the fixed ridge and the fixed strap length, as the lid rolls down the fixed ridge, this pulls the strap and pivot arm into a tighter grip. Thus, when only a small force is needed to grip a lid, little force will be applied to the lid, but when more force is required, the device will hold the lid more tightly.

Applicant respectfully submits that due to the very different method of operation and design, the McKee reference would also not render the claimed invention obvious.

New claims 21 and 25 are new independent claims, and claims 22, 23 and 24 including scopes similar to claims 3, 5 and 11, respectively, but being dependent on claim 22. These claims present the invention somewhat differently than in claim 1 but as with claim 1, distinguish over Platek and McKee. Allowance of these claims is solicited.

Appln No. 10/733,824

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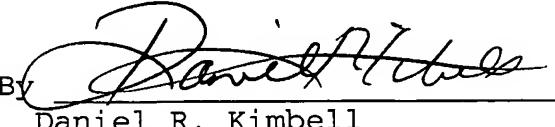
Turning to item 7, the Examiner notes numerous informalities in the specification. These are attended to by amendments to the specifications above.

Lastly, with reference to the drawings, the Examiner objects to FIGS. 7, 19, 20 and 23 under 37 CFR 1.84 (p)(4) & (5). The sheets bearing FIGS. 7, 19 and 23 are replaced with sheets bearing replacement FIGS. 7, 19 and 23. In replacement FIG. 7, the reference line is amended to point to the leading edge of the rocker arm. In replacement FIG. 19, reference numerals 77, 78, 80 and 81 are removed, and in replacement FIG. 23, reference numerals 91, 92 and 93 are removed. In the specification, reference numeral 9 is replaced by reference numeral 76 so reference numeral is not added to FIGS. 19 and 20. With these amendments, the 37 CFR 1.84 (p)(4)& (5) grounds of objection fall away.

Applicant believes that as amended each of pending claims 1-3, 5-7, 11, 12, 14 and 21-25 is allowable, and prompt allowance is solicited. However, if the Examiner has any questions or alternative suggestions, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

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Fig. 19

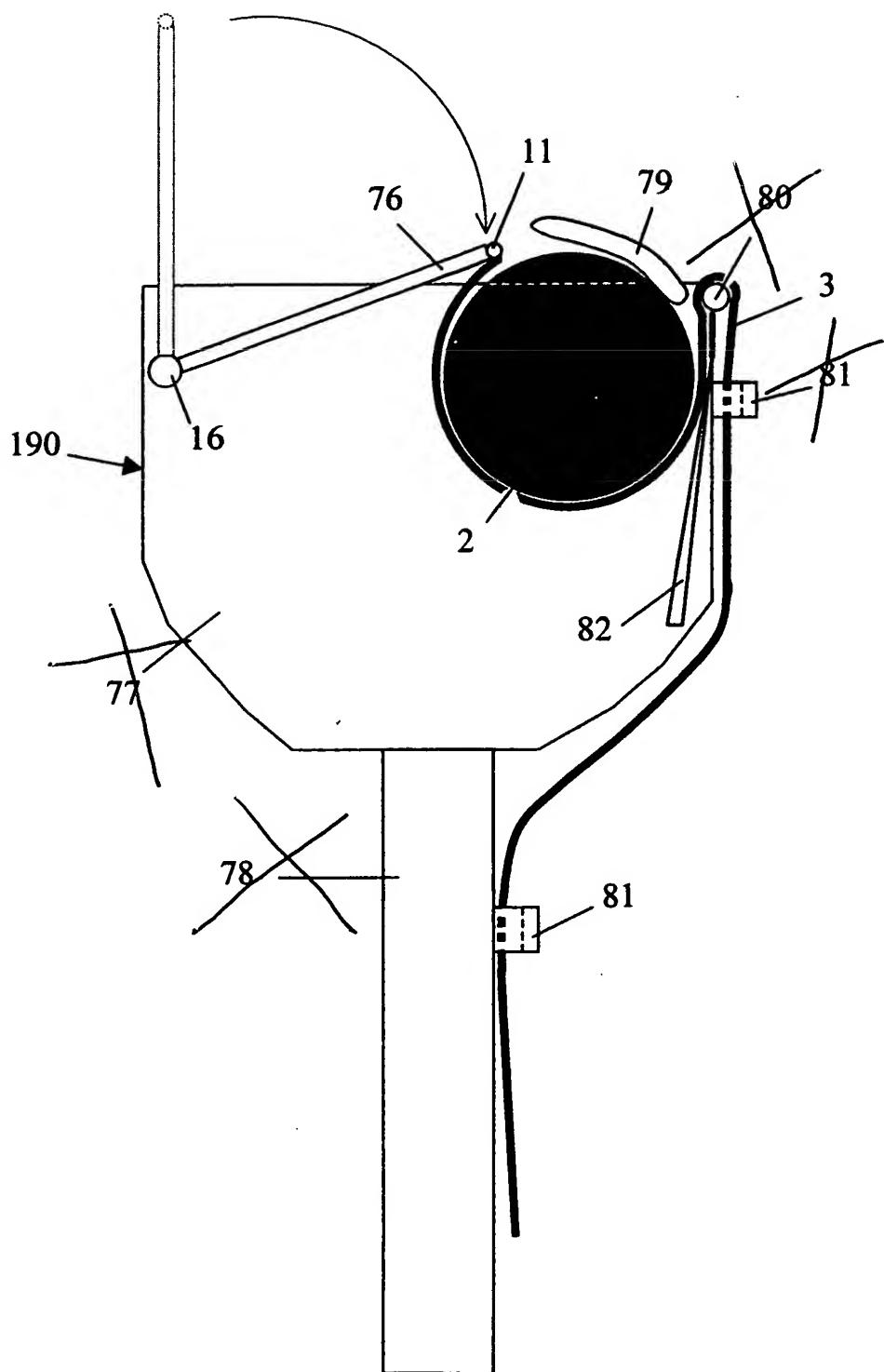


Fig. 23

